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COVID-19 and Democracy in West Africa: A Downward Spiral?

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Rachad has a regional understanding of the civil society and media landscape and is passionate about issues related to democracy, leadership, and poverty alleviation. He is currently working on a project aimed at enhancing public participation and demand for accountability through effective media and governance dialogue platforms. Rachad is driven by the desire to contribute to Africa's Development. He believes that Africa's growth potential can be unleashed only when citizens are informed and empowered to take charge of their own destiny.

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The West Africa Civil Society Institute (WACSI) was created by the Open Society Initiative for West Africa (OSIWA) to reinforce the institutional and operational capacities of civil society in the region. WACSI also serves as a resource centre for training, research and documentation, experience sharing and political dialogue for CSOs in West Africa.

About WACSeries

WACSeries are analytical periodic write-ups on topical themes and issues relevant to West Africa. These write-ups provide experts, researchers and practitioners a space to reflect, analyse and posit views and recommendations on emerging issues and debates.

The WACSeries Op-Eds are thought provoking and intellectually engaging write-ups that provide critical reflections and analysis of issues relevant to civil society and development in West Africa.

Objectives of WACSeries

- To raise awareness on key issues in West Africa;
- To generate debates and discussions on these issues;
- To proffer recommendations on civil society involvement in advocacy;
- To provide recommendations to policy makers.

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I - Introduction

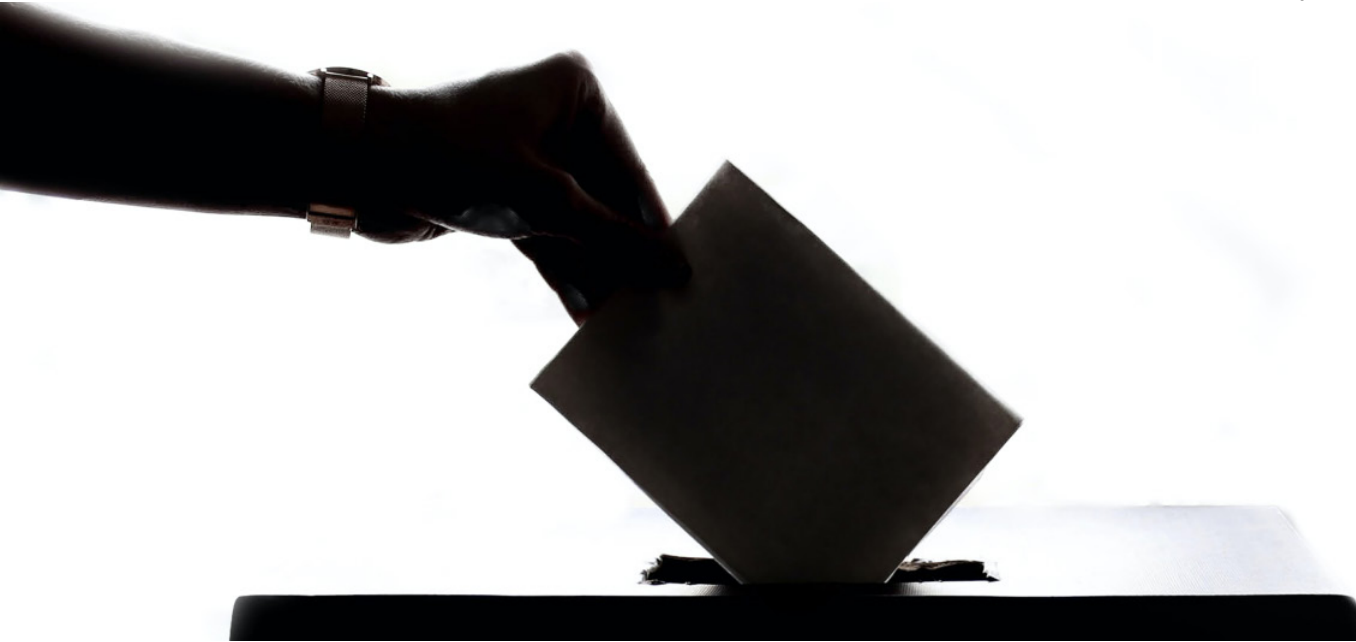
The world is today confronted to a new threat; the novel Coronavirus infection (Covid-19). The virus first broke in China in November 2019, and has since swept across countries, overwhelmed health facilities and brought economies to their knees. As of 2nd June, 2020, the coronavirus is known to have infected more than 6 million people across the globe, claimed over 350 000 lives, and poses an existential threat to humanity.

In a bid to flatten the infection curve and contain the outbreak, governments across the globe undertook tight measures including shutting down borders, closing schools, imposing lockdowns and curfews on citizens, among others.

Although the virus has been slow in taking root in Africa, the continent is beginning to record a spike in its infection rates. Experts believe that Africa could be the [hardest hit](#) by the pandemic due to its [struggling health care system](#). Considering the devastating impact of the virus, some governments across Africa, and West Africa, were quick to adopt draconian measures to curb the spread of the pandemic.

Although the measures undertaken are important in fighting the virus, in some countries however, some measures have contributed to stifle democracy amidst worsening democratic practices in West Africa. Unfortunately, this is happening in a region increasingly marred by leaders more and more intolerant of press freedom, and adopting measures aimed at eroding freedom of expression and dismantling the region's democratic infrastructure.

From a public health perspective, some of these measures could be needed to flatten the Covid-19 curve. However, on the political and governance standpoint it is essential to ponder on the cost inflicted by these measures on key democratic values, such as freedom of expression and of the press, the rule of law, and regular free and fair elections, in West Africa. This paper will explore some of the rising challenges faced by democracy in the region as a result of the incidence of Covid-19.



II - A Dent on Democracy in West Africa

Over the years, West Africa has established itself as a bastion of peace and a beacon for democratic transitions in Africa. However, recent events suggest a change in trends as the region is increasingly marred by growing instances of human rights violation, crackdown on freedom of expression and of the press, and growing dictatorial tendencies.

According to, Hubert et al (1997) [formal democracy](#) is a political system that combines regular free and fair elections, universal suffrage... and effective guarantees for freedom of expression and association as well as protection against arbitrary state action. These key elements considered as indicators of the state of democracy, have unfortunately been on decline in a region formerly known as Africa's lodestar on democracy.

Furthermore, according to a 2019 [freedom house](#) report on the state of democracy in the world "what is most striking about the year's declines is the [negative trend in West Africa](#): five of the 12 largest global declines are in this subregion alone... As a result, only two countries in West Africa—[Ghana](#) and [Cabo Verde](#)—are now classified as free, with the rest now partly free".

The region's track record in press freedom has also suffered considerable damage as new laws restricting

freedom of expression are adopted and there are [rampant and severe attacks](#) against journalists. This trend suggests that democracy is under threat in West Africa and could be silently strangled, while riding on the back of the pandemic. Considering the prevailing context, it is therefore critical to analyse the implications of the anti-Covid-19 measures on democracy in the region and posit key recommendations on how governments can uphold democratic principles in these trying times.

These will be explored using key observable benchmarks such as police brutality and human rights violations, the harsh legislative environment for the press, the growing slide into authoritarianism, and the potential delays in elections.



1- Police brutality and human rights violations

The Coronavirus ushered in West Africa a new wave of oppression against media professionals. Increasingly, Covid-19 is used to justify some instances of police brutality and human rights violations. Several media professionals and citizen are bearing the brunt of the surge in police brutality and cases of physical violence across the region.

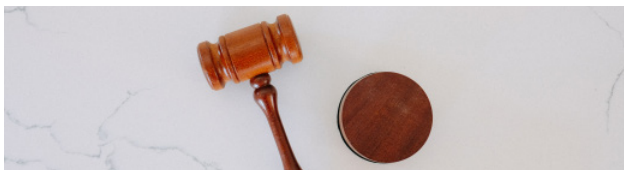
The Media Foundation for West Africa (MFWA) reported the [arrest](#) of twelve journalists in Nigeria for

violating lockdown measures. In Senegal, two media professionals [were attacked](#) by security officers for violating a curfew. These arrests and attacks occurred despite the press being exempted from lockdowns and curfew directives.

Apart from the spike in assaults against journalists by security agents, the region is also witnessing a surge in human right violations. Citizen are increasingly met with arbitrary violence when found violating directives.

In Sierra Leone for example, there has been [reports](#) of law enforcement officers beating citizens for not complying with lockdown directives. A [report from the National Human Rights Commission](#) in Nigeria underlined that, in ensuring the enforcement of lockdowns in some states across the country, 18 people were killed by law enforcement officers as compared to 11 Covid-19 patients deaths as of the time the report was published on 15th April 2020. Despite such reports, much is yet to be seen in terms of legal prosecution of officers responsible for the human rights violations. The trend recorded may suggest that the punishment for violating human rights stands pale compared to the gains it may seem to provide, if any.

There are growing fears among several West Africans, and human right activists that press freedom and human rights become a silent victim of the coronavirus and that recent events further deteriorate the state of democracy.



2- Harsh legislative environment for the press

Following the first case of the Covid-19 in West Africa, there was a surge in the publication of false information. In a [World Report](#) for the Lancet, the director of Infectious Hazards Management at the World Health Organization's Health Emergencies Programme, Sylvie Briand, underlined that "outbreaks are accompanied by a kind of tsunami of information, but also within this information you always have

misinformation". Such is the challenge faced by most country battling the Covid-19. However, in West Africa, to address the issue of fake news, officials are resorting to tight legislative instruments threatening to throw the 4th estate of the realm into a deep freeze as new laws and regulations considered to be harsh towards freedom of expression and of the press are being enacted.

In Nigeria, the [Ebonyi State adopted](#) the Infectious Diseases Regulation Bill into law. Although according to authorities [the law](#) is crucial in the fight against the Coronavirus, it criminalises the transmission, or dissemination of false information on dangerous infectious diseases and or any circumstances related to or bordering on the outbreak or possible outbreak of Covid-19 within the State.

In April 2020, the law was used by the State governor to [order the arrest](#) of a journalist under allegations of disseminating false information. The governor later [issued](#) a life ban on the journalist from covering the activities of the State Government. Such actions represent infringements of press freedom and the right to inform which are democratic pillars.

Measures seemingly undertaken to gag the media were also recorded by the MFWA in Cote d'Ivoire where a newspaper was [heavily fined](#) after reporting information judged by the court to be false. And in Senegal, the government is seeking to reignite laws to heavily sanction individuals disseminating false information. There are growing fears that these restrictive laws get grounded overtime and reign supreme for a long time as the pandemic is gaining more grounds in the region.



3- Sliding into authoritarianism

Some governments in West Africa exercised their executive powers to restrict freedoms such as free movement guaranteed within democracies. The purpose of such measures has been to control the spread of the Coronavirus. Some of the measures adopted include the imposition of the state of

emergency, curfews, and lockdowns among others. However, in face of such measures yet legitimate, there are concerns that governments already violating democratic principles prior to the pandemic might use their newly gained powers, and the current circumstances to turn into autocrats.

Countries such as Guinea, Guinea Bissau, Senegal, Cote d'Ivoire, Sierra Leone, etc imposed state of emergencies. Adopting the state of emergency means that rights to freedom of assembly, of the press, and the right to protest are suspended during for a period until the situation that triggered the state of emergency is brought under control. Furthermore, the president has full authority to make regulations and take actions he believes are necessary, without necessarily worrying about the legislative arm.

Imposing the state of emergency in countries in which governments have a tendency of undermining democratic principles may result in some officials leveraging on the Coronavirus pandemic as an opportunity to further perpetuate their authoritarian agendas.

In Guinea for example where the political landscape was already tensed and marred by violence before the pandemic, the government established a reputation of [clamping down on protesters using lethal force](#). The imposition of the state of emergency could give more powers to the state to carry out authoritarian practices of cracking down on freedom of expression and of the press, human rights, freedom to protest, and clampdown on dissenting voices. The International Federation for Human Rights in Guinea has already accused the government of [using the emergency powers](#) for "witch hunting" as there are multiplications of "arrests and arbitrary detention" of dissents.

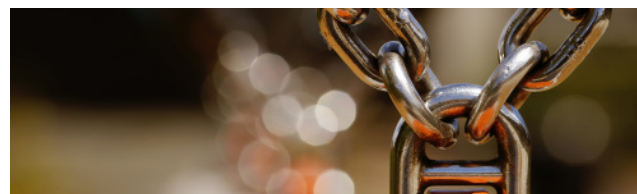
In March, Sierra Leone was the only country in the world to impose outrightly a one-year state of emergency to deal with the coronavirus pandemic. Although the current government has not yet shown tendencies to abuse its new powers, it is worth underlining that under the state of emergency as indicated in the Sierra Leonian [Constitution Section 29](#), the president can make provisions for the detention of persons, authorise the entering and search of any premises, amend any law, suspend the operation of any law, and apply any law with or without modification: Provided that such amendment, suspension or modification shall not apply to this constitution. These unfettered

powers constitute a threat for citizens such as activists and journalists who are critical of the government, vocal opposition officials, and civil society activists as they are at the mercy of the president.

In Ghana, though the government has not declared the state of emergency, new laws such as the [Establishment of Emergency Communication System Instrument, 2020](#). By virtue of this law, network operators shall make available all caller or called numbers, merchant codes, roaming files, and location log files to the National Communication Authority (NCA). This instrument, although adopted to fight the pandemic, provide adequate frameworks for massive and targeted surveillance and violate individual privacy guaranteed under democracy.

Furthermore, the adoption of [The Imposition of Restrictions Act](#) in Ghana as part of efforts to fight the coronavirus outbreak gives the government's executive arm the power to impose restrictions including freedom of assembly, freedom of association, etc. without going to the parliament for approval.

The level of power centralisation in the wake of the outbreak defeats the concept of power sharing and the rule of law in democracies.



4- Possible delays of elections

Many West African nations in their electioneering year are facing a great predicament: how to hold an election during a pandemic without spreading the virus. Or rather should elections be delayed until the pandemic is curbed? Either way, and no matter the approach, democracy may suffer as elections might be undermined. Five West African nations (Niger, Guinea, Cote d'Ivoire, Ghana, Burkina Faso) are scheduled to hold their presidential elections this year with the presidents of Niger, Guinea, and Cote d'Ivoire in their last tenure.

Elections represent a cornerstone in democracies as it affords citizens the right to choose their leaders and guarantees the principle of "the ruling of the people

by the people for the people” on which democracy lies. It further legitimises leaders and strengthens institutions. The delay in elections could constitute an unconstitutional extension of presidential mandates.

In the current context, extending presidential mandates in face of the pandemic could have been understandable since delaying elections could give more time to governments to deal with the outbreak, limit human contact as seen during rallies, and curb the spread of the virus. However, already existing tensions and democratically unpopular practices of some governments in the region instilled among citizen huge mistrust. Citizens might see this approach as an attempt for their leaders to further hold on and hijack the presidential seat.

Obviously, the violence and the tensed political landscape in Guinea is mainly due to allegations that the president nourishes ambitions to change the constitution and [rig a 3rd term in office](#). Such fears also rose in Cote d'Ivoire where many believe that the president desires to get a third term in office although he [publicly rejected](#) such claims.

Such mistrust could undermine heads of states' decisions to delay elections in their countries. If eventually the elections are delayed without consensus it could provide a springboard for massive protests and violence and be dubbed as a constitutional coup.

In such a context, holding elections seems to be the ideal approach, however, elections during the outbreak could undermine democracy since it can tarnish the election's credibility with the absence of international observers and disputed voter register, generate low turnout rates, undermine campaigns etc.

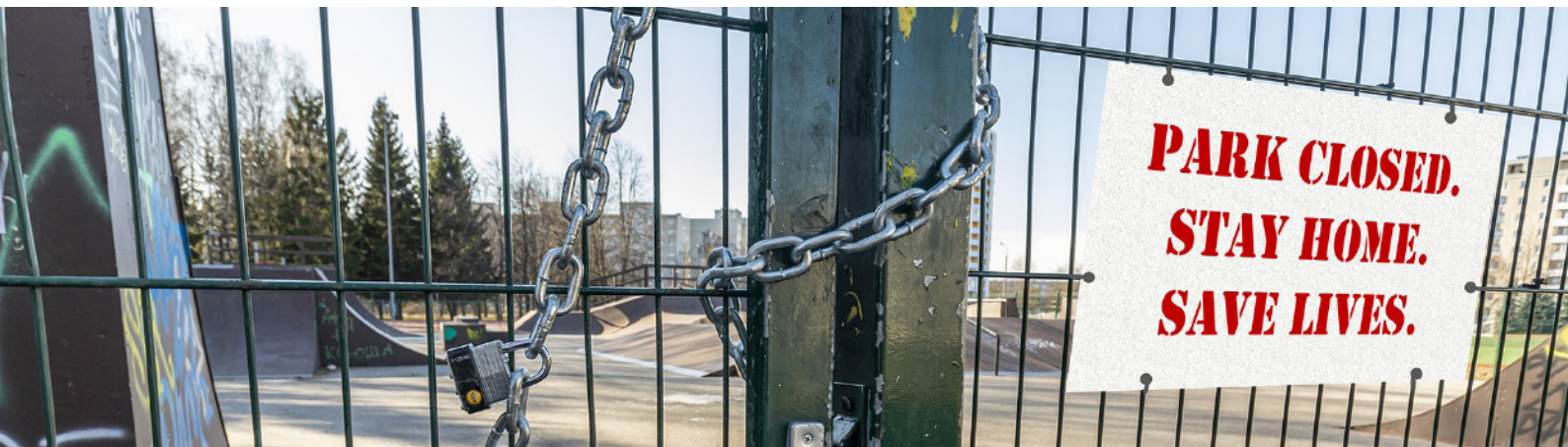
In a region where elections are often disputed, the credibility of an election is paramount. Credible elections rely on the compilation of a voter's register for transparency, vibrant campaigning, the presence of national and international observers, etc. Unfortunately, under the current circumstances where social distancing is the norm and borders are closed, elections' credibility might become a serious issue. In Ghana, issues arising from the compilation of voter's register lead to allegations that the ruling government [seeks to rig the presidential elections](#).

Turnout rates during elections are crucial for the legitimacy of elected officials since a high turnout rates shows that most citizen expressed their civic duty. Countries such as Guinea, Mali, and Benin went ahead to hold legislative and municipal elections respectively during the pandemic. Not only were campaigning activities limited in Mali and Benin to the digital space and very few numbers of participants to political meetings, they all recorded low turnout rates. In Guinea, Mali and Benin, turnout rates were [35.73%](#), [35.33%](#) and [49.14%](#) respectively.

Low turnout rates could provoke the need for the final results to be seriously challenged. Citizens could perceived elected officials as an imposed government. If the situation is not dealt with in a transparent way, it could lead to lethal violence, and citizens could undermine the legitimacy and authority of elected officials. For example, the final results of legislative elections in Mali, triggered series of [demonstrations](#) rejecting results in some constituencies.

If key steps are not undertaken to address election related matters, some countries in the region might be heading towards a constitutional crisis and democracy could become the silent victim of the Coronavirus pandemic.





III - The Way Forward

In the face of the current uncertainties posed by Covid-19 and the rising challenges threatening to further deteriorate the state of democracy in West Africa, it is crucial to adopt practical multi-pronged approaches to sustain the democratic gains in the region. Such can be achieved through strategic interventions initiated by security personnel, the media, governments, civil society organisations, and ECOWAS.

1- Security personnel:

- Sensitise the police and the military: Leaders in governmental security agencies must sensitise their teams on restraining from violating human rights. Officers must understand that citizens need to be protected and the respect for human rights is crucial for both democracy and human dignity. Law enforcement officers must also understand that in these unusual times, the media plays a key role in providing relevant information to citizens, hence, instead of attacking them they must protect them.
- Sanction: It is recommended to the judiciary to frequently prosecute cases of human rights violations during the pandemic and adequately sanction security agents found responsible. This will go a long way to guarantee the rule of law and ensure respect for human rights while enforcing directives to curb the pandemic.

2- Media industry

- Be professional: In fighting the Coronavirus, it is vital that journalists uphold the highest professional and ethical standards and produce accurate, and reliable reports as they represent a key source of credible information in communities across the region. While upholding high levels of professionalism, media organisations must also aim at spreading calm rather than fear and or panic.
- Fact check: In the wake of the Coronavirus outbreak, there was a tsunami of false information that went viral thanks to social media. In such a context, media professionals must fact-check, as often as possible, information contained in their publications in order to provide citizen with fact-based reports. Journalists could further rely on [fact-checking websites](#) to verify the veracity of claims before publication.
- Establishing and adhering to partnerships: It is essential for media organisations to establish and adhere to partnership initiatives with the relevant institutions and actors with the goal of fighting the propagation of false information in the wake of the outbreak. By doing so, the media industry can counter fake news on several fronts in multiple regions at the same time, and better sensitise citizen by providing facts. This would go a long way in saving lives since citizens would be better educated and make informed decisions. In Ghana, such an initiative was launched by the Media Foundation for West Africa under its Fact-Checking project. Through this initiative, the organisation established across Ghana, partnership with fifty media organisations to fight against misinformation, and better sensitise citizen by providing facts about the virus.

3- Governments

- Make use of rejoinders: Government officials as well as members of the public seeking to combat the dissemination of false information must make use of rejoinders to debunk false information. Furthermore, they must allow media professional bodies to use the already existing regulatory measures in the journalistic code of ethics to sanction media professionals disseminating false information instead of adopting legislations to arrest media practitioners and stifle press freedom.
- Set up a parliamentary committee: In face of the sweeping powers acquired by heads of states through the imposition of the state of emergency, and the adoption of new laws, it is necessary for parliamentary committees set up to monitor governmental actions during the fight against the outbreak to be more active and vigilant than ever to protect democratic values and ensure check and balances in policy decisions.
- Organise a multi-stakeholder's engagement and involve civil society: In addressing the elections dilemma, the government in partnership with the election management body must build consensus around its decisions and engage all stakeholders. In order to have a transparent engagement, the process should actively and deliberately involve civil society organisations with the support from government.

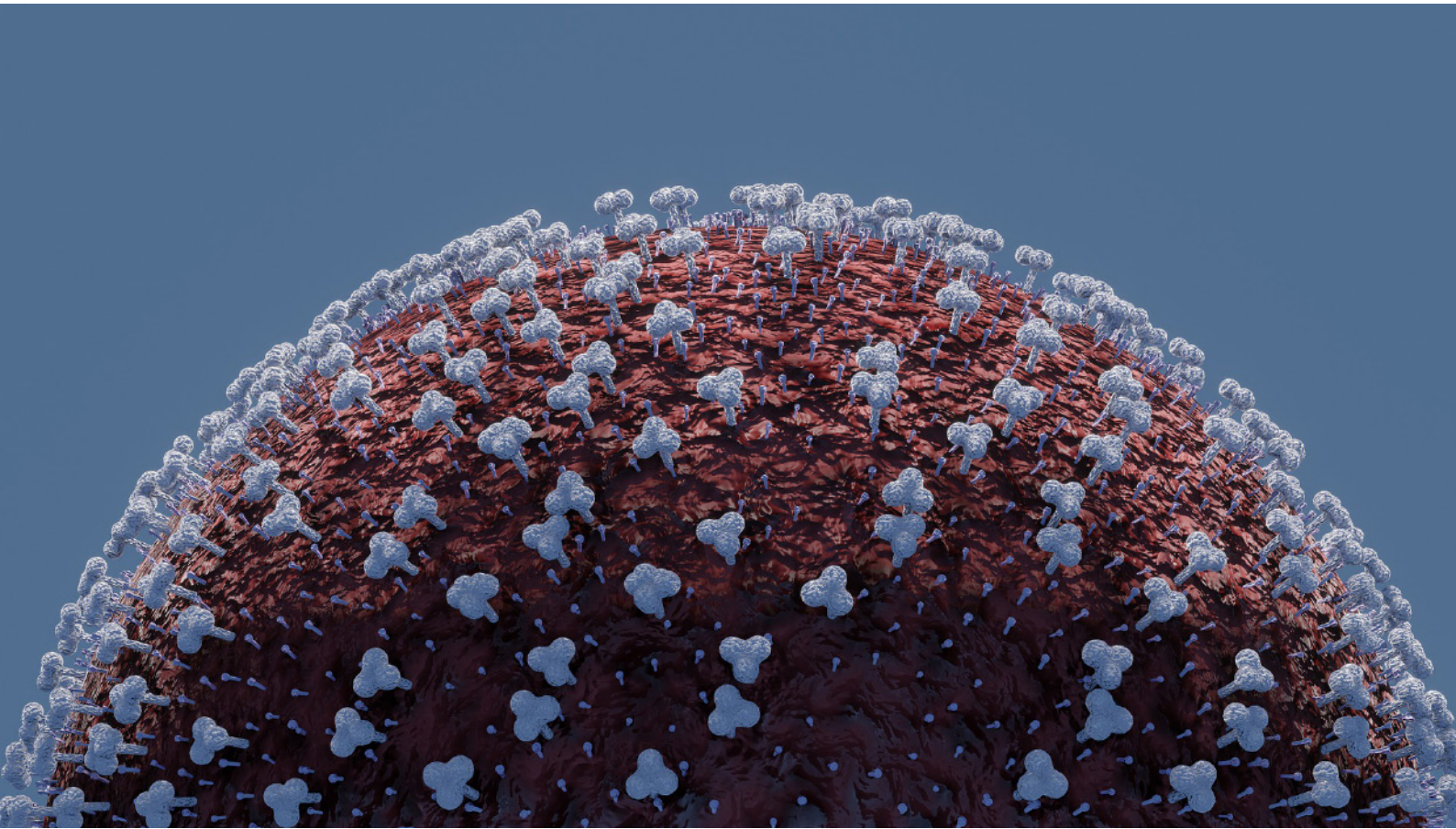
4- Civil society organisations (CSOs)

- Promote accountability: While fighting the Coronavirus pandemic and addressing its socio-economic impact, government's expenditure across the region has skyrocketed. In such turbulent times, it is necessary for CSOs to play a watchdog role by monitoring government's expenditure, so as to minimise the probability of funds misuse and ensure value for money. CSOs can also play key roles to advocate for and contribute to develop and or ensure the implementation of policies that would facilitate the strict respect of democratic principles.

- Lead multi-stakeholder dialogues series on election related issues: The concept of democracy is built on the rule of the people for the people by the people. This implies that citizens are the core in deciding the future of their country. Considering that civil society is comprised of groups working in the interest of citizens, and are neutral in the political landscape, it is necessary for them to lead dialogue series on issues related to elections and democracy; build together with government and all stakeholders consensus around the appropriate actions to take during such a crisis that will not undermine the democratic gains accrued over the years.

5- Economic Community of West African States (ECOWAS)

- Mainstream issues on freedom of expression and of the press: ECOWAS as a regional body must treat as matter of urgency issues on freedom of expression and of the press and actively call on its member countries to abide by ratified regional and international treaties.
- Provide electoral guidance: In order to ensure the political stability of the region, and avoid a potential civil war as recorded in 2010 in Cote d'Ivoire, ECOWAS must proactively take a leadership position by providing countries with electoral guidelines in times of health crisis, and frameworks for national dialogue series on elections. The body must also provide key steps and minimum requirements for countries to hold elections during the pandemic if they fail to extend their president's mandates.
- Advocate for national unity governments: ECOWAS must advocate for the swift creation of national unity governments in countries where elections are to be postponed. Such an approach will generate more ownership across national stakeholders in the governance and policy making process, and could further build trust among citizens.



IV - Conclusion

West African governments are faced with a double whammy as they try to curtail both the health and socio-economic repercussions of the coronavirus. In the midst of such, they work assiduously to maintain their political sanctity while striving to maintain robust governance structures. Some of the measures undertaken to address these challenges have democratic ramifications.

Despite the complex challenges posed by Covid-19 to West African countries and their governments, measures adopted to contain or eliminate the virus should be implemented by taking into consideration the hard-earned democratic values in the region. Post-coronavirus, the state of democracy in West Africa will tell the tale of how repressive the anti-Covid-19 measures were. In the meantime, citizens are holding their breath and hopeful that their leaders would adopt the right approaches to save their lives while abiding by human rights principles.

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